



Department of Law
Monroe County, New York

Adam J. Bello
County Executive

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County Attorney

Via email

Friday, November 17, 2023

Hon. Marian W. Payson
United States District Court
2120 U.S. Courthouse
100 State Street
Rochester, New York 14614
Fax: 613-4085

Re: *Owens v. the County of Monroe, et al.*
Case No. ~~20-cv-06445~~ 21-CV-6445

Dear Judge Payson:

The parties have discussed further and have reached an agreement. Defendants will provide amended answers to the requests for admission by December 4, 2023, and written answers to the requests for production by December 15. Document production in response to the RFAs and RFPs will be made on a rolling basis, to be completed by February 9, 2024. We will discuss further and look for reasonable solutions to issues related to review and copying of legacy case files, and the sealed case files. If Plaintiff decides to pursue unsealing of the case files, we do anticipate that motion practice will be necessary, but we will confer and then jointly seek a conference with the Court before proceeding with motions, in an effort to resolve as many issues as possible.

The parties also agree to request an extension of 6 months to the scheduling order, because there is still a large amount of discovery to be done, with proposed dates as follows:

- The parties have agreed to Amanda Williams as a mediator; motions to opt out of mediation are due by **August 9, 2024**; initial mediation session is to be held by **September 9, 2024**; the referral to mediation will terminate **November 30, 2024**.
- All motions to join other parties and to amend the pleadings shall be filed on or before **April 30, 2024**. Any third party action shall be commenced on or before **April 30, 2024**.
- All factual discovery in this case, including depositions, shall be completed on or before **August 9, 2024**. All motions to compel discovery shall be filed by **July 9, 2024**.
- Plaintiff shall identify any expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(A) and provide reports pursuant to Rule 26(a)(2)(B) and/or disclosures pursuant to Rule 26(a)(2)(C) by **August 30, 2024**. Defendant shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **September 30, 2024**. Parties shall

complete all discovery relating to experts, including depositions, by **November 11, 2024**.

- Dispositive motions, if any, shall be filed no later than **January 9, 2025**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Geraci.

Thank you for your attention in this matter.

Respectfully,

/s Adam M. Clark

Adam M. Clark, Deputy County Attorney

The joint request for an extension of the discovery deadlines is GRANTED. The deadlines shall be extended as proposed herein. In addition, the **Telephone Status Conference** set for January 30, 2024 is adjourned until **July 30, 2024, at 11:40 a.m.** Dial-in instructions will be emailed to counsel prior to the conference.
IT IS SO ORDERED.

s/Marian W. Payson

Hon. Marian W. Payson

United States Magistrate Judge

Dated: November 17, 2023